

**BILL NO. 6242
ORDINANCE NO. 6128**

AN ORDINANCE PROVIDING FOR THE REPEAL OF SECTIONS 500.010, 500.020 AND 500.030 OF THE CODE OF ORDINANCES OF THE CITY OF CLAYTON, MISSOURI, RELATING TO BUILDINGS AND STRUCTURES AND ENACTING IN LIEU THEREOF NEW SECTIONS 500.010 AND 500.020 ON THE SAME SUBJECT WITH CERTAIN MODIFICATIONS AS HEREINAFTER SET FORTH, AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, Section 67.280, RSMo. Supp. 2009, authorizes the City of Clayton to adopt certain technical codes, as defined therein, by adopting an ordinance which incorporates by reference the provisions of any such code or portions thereof and any amendment thereto without setting forth the provisions of such code in full provided that one copy of such code to be so adopted shall be filed in the office of the city clerk and there kept available for public use, inspection, and examination for a period of ninety days prior to the adoption of the ordinance which incorporates such code, portion, or amendment by reference; and

WHEREAS, a copy of each of the codes referenced and adopted below, has been filed in the office of the city clerk and kept available for public use, inspection, and examination for a period of at least ninety (90) days prior to the adoption of this ordinance and will, following the adoption of this ordinance, be similarly filed and kept available in the office of the city clerk;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI AS FOLLOWS:

SECTION 1. Sections 500.010, 500.020 and 500.030 of Article I of Chapter 500 of Title V of the Code of Ordinances of the City of Clayton, Missouri, relating to the adoption and amendment of certain technical codes concerning the construction of buildings and continued occupancy thereof; mechanical, plumbing, and electrical construction are hereby repealed and new Sections 500.010 and 500.020 on the same subject are hereby enacted in lieu thereof, to read as follows:

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING CODES AND BUILDING REGULATIONS

ARTICLE I. ADOPTION OF BUILDING CODES

SECTION 500.010: BUILDING CODE ADOPTION

The Building Code of the City shall consist of Part I, the 2009 International Building Code, Part II, the 2009 International Mechanical Code, Part III, the 2009 International Plumbing Code, Part IV, the 2009 International Residential Code, Part V, the 2009 International Fuel Gas Code, Part VI, the 2009 International Energy Conservation Code and all appendices to each Code. Additions, insertions, deletions and changes to Codes are set out in Section 500.020.

SECTION 500.020: ADDITIONS, INSERTIONS, DELETIONS AND CHANGES -- BUILDING, MECHANICAL, PLUMBING, RESIDENTIAL, FUEL GAS AND ENERGY CONSERVATION CODES.

A. *Part I. 2009 International Building Code.*

The following numbered sections and subsections are hereby amended by addition, insertions, deletions and changes. Each section or subsection contained herein is part of Chapter 500 and should be considered as such. The amended sections and subsections shall read as follows:

Section 101.1 is amended to read as follows:

Section 101.1 Title: These regulations shall be known as the Building Code of the City of Clayton, Missouri, hereinafter referred to as "this code".

Section 105.1.1 Deleted without substitution.

Section 105.1.2 Deleted without substitution.

Section 105.2 is amended to read as follows:

Section 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code, the zoning ordinance, or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the gross floor area does not exceed 50 square feet.
2. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Sidewalks and driveways that are not within the public right-of-way and are not more than thirty (30) inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
4. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18925 L) and are installed entirely above ground.
7. Swings and other playground equipment located in the rear yard and that are accessory to detached one- and two-family dwellings.
8. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.
9. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet, 9 inches (1753 mm) in height.

Electrical:

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the

connection of approved portable electrical equipment to approved permanently installed receptacles.

2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply, the installation of towers and antennas.
3. **Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
- 7 Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section 109.4 is amended to read as follows:

Section 109.4 Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to 100 percent of the usual total permit fee in addition to the required permit fees.

Section 113 through Section 113.3 is amended as follows:

SECTION 113 BOARD OF APPEALS

Section 113.1 Application for appeal. Any person shall have the right to appeal to the Board of Appeals from a decision of the Code Official. An application and fee must be filed with the City Clerk. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used. Decision of the Board of Appeals shall be binding on the Code or other Official involved in the appeal.

Section 113.2.1 Qualification. The Board of Appeals shall consist of five individuals from the following professions or disciplines listed below. One member should be from each of the professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or a superintendent of building construction with at least ten years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

Section 114.4 is amended to read as follows:

Section 114.4 Violation penalties. Any person, firm, corporation, limited liability company or other business entity who shall violate any provision of this code, or any owner or tenant of the building or premises or any other person who commits, takes part or assist in any violation of this code or maintains any building, structure or premises in which such violation shall exist shall be guilty of an ordinance violation and subject to punishment by a fine not to exceed \$1000 or imprisonment for a period not to exceed 90 days or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. This provision shall not apply to any section of this code or to any ordinance in which there is expressly provided a penalty for its violation, or for any offense the penalty for the violation of which is fixed by statute.

Section 508.3.3 is amended to read as follow:

508.3.3 Separation. No separation is required between non-separated occupancies.

Exceptions:

1. Group B, F-1, M, S-1, H-2, H-3, H-4 and H-5 occupancies shall be separated from all other occupancies in accordance with Section 508.4.

2. Group I-1, R-1, R-2 and R-3 *dwelling units* and *sleeping units* shall be separated from other *dwelling* or *sleeping units* and from other occupancies contiguous to them in accordance with the requirements of Section 420.

Table 508.4 is amended to read as follows:

TABLE 508.4
REQUIRED SEPARATION OF OCCUPANCIES (HOURS)

OCCUPANCY	A ^d , E		I-1, I-3, I-4		I-2		R		F-2, S-2 ^b , U		B, F-1, M, S-1		H-1		H-2		H-3, H-4, H-5	
	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS
A ^d , E	N	N	1	2	2	NP	1	2	N	1	1	2	NP	NP	3	4	2	3 ^a
I-1, I-3, I-4	-	-	N	N	2	NP	1	NP	1	2	1	2	NP	NP	3	NP	2	NP
I-2	-	-	-	-	N	N	2	NP	2	NP	2	NP	NP	NP	3	NP	2	NP
R	-	-	-	-	-	-	N	N	1 ^c	2 ^c	1	2	NP	NP	3	NP	2	NP
F-2, S-2 ^b , U	-	-	-	-	-	-	-	-	N	N	1	2	NP	NP	3	4	2	3 ^a
B, F-1, M, S-1	-	-	-	-	-	-	-	-	-	-	N	1	NP	NP	2	3	1	2 ^a
H-1	-	-	-	-	-	-	-	-	-	-	-	-	N	NP	NP	NP	NP	NP
H-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N	NP	1	NP
H-3, H-4, H-5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1 ^{e, f}	NP

For SI: 1 square foot = 0.0929 m².

S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

NS = Buildings not equipped throughout with an automatic sprinkler system installed in accordance with Section 903.1.1.

N = No separation requirement.

NP = Not permitted.

a. For Group H-5 occupancies, see Section 903.2.5.2.

b. The required separation from areas used only for private or pleasure vehicles shall be reduced by 1 hour but to not less than 1 hour.

c. See Section 406.1.4.

d. Commercial kitchens need not be separated from the restaurant seating areas that they serve.

e. Separation is not required between occupancies of the same classification.

f. For H-5 occupancies, see Section 415.8.2.2.

Section [F] 903.3.1.1.2 is added to read as follows:

[F] 903.3.1.1.2 Sprinklers required. Clean agent, halogenated or carbon dioxide extinguishing systems shall not be considered as an alternative to an automatic sprinkler system in computer rooms, vaults or other rooms where an automatic sprinkler system is required.

Section 1013.7 is added to read as follows:

Section 1013.7 Retaining walls. Guards shall be provided where retaining walls with differences in grade level on either side of the wall in excess of 30 inches are located closer than 2 feet to a walk, path, parking lot or driveway on the high side of the retaining wall.

Section 1612.3 is amended to read as follows:

Section 1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Clayton" dated August 2, 1995, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this section.

Section 2703.1 is added to read as follows:

Section 2703.1 Underground electric service. The following shall be supplied electricity by means of underground service from the utility distribution system to the premises wiring system:

1. Where an existing service lateral provides underground electrical service to the building or structure.
2. All buildings and structures hereafter erected.
3. Any building or structure where an addition and/or alteration would interfere with the existing service and would require any part of the electric service including the service point or service entrance conductors be relocated.
4. Any building or structure to which a new electrical service is added.
5. All buildings and structures that are provided electricity by means of an underground electrical distribution system.

Exceptions:

1. An existing overhead service may be repaired, upgraded or replaced if the service point and/or service entrance conductors are not moved from their present location on the building or structure.
2. When, in the opinion of the Code Official, a modification is necessary to abate a safety hazard and there is no other related construction activity involved, the Code Official may deem such a modification as minor in nature and allow said service to be modified and remain overhead.

Section 3001.2 is amended to read as follows:

Section 3001.2 Referenced standards. Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to American Society of Mechanical Engineers Safety Code of Elevators and Escalators (ASME A17.1, 2004 Edition with 2005 Addendum and 2005 Supplement with Amendments.), American National Safety Code for Personnel Hoist (ANSI A10.4, 2004 Edition), American National Standard Safety Code for Manlifts (ANSI A90.1, 2003 Edition), Safety Standard for Platform Lifts and Stairway Chair Lifts (A18.1, 2005 Edition) and Inspectors Manual for Elevators and Escalators (ASME A17.2, 2004 Edition).

Section 3107.2 through 3107.2.1 is added to read as follows:

Section 3107.2 Permits required. A sign shall not be erected, constructed or altered except as herein provided and not until any applicable fees are paid by the applicant and the sign permit has been issued by the Code Official.

Section 3107.2.1. Exempt signs. The following signs are exempt from permit requirements and fees:

- (1) For-sale or for-lease signs not exceeding six (6) square feet.
- (2) Temporary display window signs.
- (3) Temporary signs announcing civic events approved by the Director of Housing and Planning.
- (4) Product identification cards used in conjunction with window displays.
- (5) Construction regulatory signs required for public safety.
- (6) Temporary political signs in residential areas.

FENCES, WALLS AND SCREENS

Section 3111 and Section 3111.1 is added to read as follows:

Section 3111 Fences, walls and screens. It shall be unlawful to erect any division, fence or screen, in whole or in part, of cloth, canvas or similar material, nor shall any solid division fence or screen of approved material exceeding six (6) feet be erected except a solid fence of up to eight (8) feet may be erected in a residential rear yard which is immediately adjacent to a commercial district; provided, however, a wooden or metal fence or screen not exceeding ten (10) feet in height may be erected in non-residential areas and eight (8) feet in residential areas if such fence or screen is penetrated with openings at regular intervals or latticed so that the combined area of the openings shall be at least fifty percent (50%) of the actual surface of such fence or screen. No division fence, fence wall or screen, no matter how built or of what material constructed, shall exceed ten (10) feet in height unless approved by the Architectural Review Board.

Section 3111.1 Fences general. The finished side of fences shall face all neighboring properties including streets and alleys so as to prohibit the view of fence posts and support rails from adjoining properties, unless written approval from all effected property owners is submitted waiving this requirement.

SITE WORK, DEMOLITION AND CONSTRUCTION

Section 3301.3 is added to read as follows:

Section 3301.3 Regulation of Construction Dumpster(s)

Section 3301.3.1 As used in this Section, the following term shall mean as follows:

Construction Dumpster--a large container designed to receive, transport and dump construction debris.

Section 3301.3.2 No dumpster or construction storage unit may be placed on any street or alley in Clayton or public right-of-way without first receiving a right-of-way permit from the City's Public Works Department.

Section 3301.3.3 A dumpster or construction storage unit may be placed upon a property in a residentially zoned district if said dumpster is part of a redevelopment project including, but not limited to, new construction of a residential or mixed-use project, major addition to an existing structure or other project as approved by the City's Plan Commission/Architectural Review Board. The placement of such dumpster shall be approved by the Building Official or his/her designee and must be placed behind the proscribed construction fence. The dumpster(s) may remain on the construction site for the duration of the permit, provided that it is contained behind the construction fence, is emptied regularly and is covered at the conclusion of each workday.

Section 3301.3.4 Except as stated above, no dumpster may be placed in the driveway or upon any property in a residentially zoned district without first securing a dumpster permit from the Planning and Development Services Department. Said permit shall be in effect for a period not to exceed one hundred twenty (120) days. Dumpsters must be emptied so as to not overflow and must be covered at the end of each workday and/or when not in use. The City reserves the right to cancel a permit if these regulations are not adhered to. Any extension beyond 120 days will require a review to assure satisfactory progress toward completion of the project. Extensions to the 120 day period are subject to a daily fee and may be denied for cause. A denial may be appealed to the City Manager.

Section 3301.3.5 Cost of the permit and any extensions shall be in accordance with the fee schedule approved by the Board of Aldermen.

Section 3303.1.1 is added to read as follows:

Section 3303.1.1 Notice of Intent. The person intending to cause a demolition or an excavation shall deliver written notice of such intent to the owner of each potentially affected adjoining lot, building or structure and the owner(s) of each property located within the Clayton City limits within two hundred feet (200') of a proposed residential demolition, calculated by measuring a distance of two hundred feet from the property lines around the entire perimeter of the subject property, at least one week prior to the commencement of work. The notice to adjoining property owners shall request license to enter the potentially affected lot, building or structure prior to the commencement of work and at reasonable intervals during the work to inspect and preserve the lot, building or structure from damage. The notice to owners of property located within the Clayton City limits within two hundred feet (200') of a residential demolition will identify the property to be demolished and approximate date of demolition.

Section 3303.6.1 and Section 3303.6.2 is added to read as follows:

Section 3303.6.1 Water and Sewer. All abandoned sewers, or parts thereof, shall be capped or plugged within five (5) feet of the property line, and all abandoned building (house) water services shall be disconnected at the corporation cock adjacent to the water main.

Section 3303.6.2 Permit requirement. An excavation and plumbing permit, as provided in the Code of Ordinances of the City, shall be required to disconnect any abandoned sewer or water service, and no excavation shall be backfilled until all work is inspected by the Plumbing Inspector.

Permits for this work shall be issued only to a master plumber licensed by the City.

SECTION 3306.0 PROTECTION OF PUBLIC

Section 3306.1 is amended to read as follows:

Section 3306.1 Temporary Construction Fences. No construction fence may be erected until the Code Official approves a site plan depicting the materials, location and access gates.

All buildings undergoing construction, substantial rehabilitation, removal or demolition or any and all excavations (except sewer and utility trenches) exceeding five (5) feet in depth, shall be enclosed on all sides with a solid wood construction fence and pedestrian protection as required in Table 3306.1.

All building materials, sheds, equipment, trailers, dumpsters and portable toilets shall be located and stored within the boundaries of the fence at all times.

Section 3306.1.1 is added to read as follows:

Section 3306.1.1 Duration and Removal of Temporary Construction Fences. Construction fences may not be erected more than ten (10) calendar days prior to demolition or the commencement of construction and must be approved by the Code Official prior to the construction of the fence. If demolition or construction does not commence within ten (10) days of installation, the fence must be removed and the site restored as required by the International Property Maintenance Code. Construction fences must be maintained throughout the project.

Section 3306.5 is amended to read as follows:

Section 3306.5 Barriers. Barriers shall be a minimum of 6 feet in height and shall be placed on the side of the walkway nearest the construction. Barriers shall extend the entire length of the construction site. Openings in such barriers shall be protected by doors or gates which are normally kept closed. Doors and gates must be kept locked at time of construction inactivity on the site.

Section 3306.6 is amended to read as follows:

Section 3306.6 Fence Construction. Required temporary construction fences shall comply with the following requirements:

1. Temporary construction fence panels shall be no less than six (6) feet in height and constructed with approved pre-manufactured fence panels that are no less than 1/2" thick finished boards. Site constructed fence panels using other materials may be permitted when the design, materials and finishes are approved by the Code Official.
2. Fence posts shall be a minimum of 4" X 4" treated lumber and spaced no more than eight (8) feet on center. Posts shall be set with at least one-third of their length below grade and set in concrete.
3. Gates must be of metal chain link material with approved vision panels to obscure sight. Gates must be chained and locked with a lock substantial enough to ensure closure and security. The space between gates, posts or hardware shall be no greater than four (4) inches.
4. No temporary construction fence may encroach beyond the subject property line. Furthermore, no fence may encroach upon the public right-of-way without the written approval of the Public Works Department.

Section 3306.10 is added to read as follows:

Section 3306.10 Failure to Comply. Failure to comply with the regulations of this Section can result in the issuance of a stop work order and/or legal action which could result in court imposed fines.

B. Part II. 2009 International Mechanical Code.

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Mechanical Code of the City of Clayton, Missouri, hereinafter referred to as "this code".

Section 106.5.2 is amended to read as follows:

Section 106.5.2 Permit fees. The permit fees for the installation, extension, repair or alteration of heating and refrigeration equipment shall be in accordance with the fee schedule as established by the City of Clayton, Missouri.

Section 106.5.3 Deleted without substitution.

Section 108.4 is amended to read as follows:

Section 108.4 Violation penalties. Any person, firm, corporation, limited liability company or other business entity who shall violate any provision of this code, or any owner or tenant of the building or premises or any other person who commits, takes part or assist in any violation of this code or maintains any building, structure or premises in which such violation shall exist shall be guilty of an ordinance

violation and subject to punishment by a fine not to exceed \$1000 or imprisonment for a period not to exceed 90 days or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. This provision shall not apply to any section of this code or to any ordinance in which there is expressly provided a penalty for its violation, or for any offense the penalty for the violation of which is fixed by statute.

Section 108.5 is amended to read as follows:

Section 108.5 Stop work order. Any person who shall continue any work in or about the building after having been served with a stop work order, except such work as is directed by the Code Official to remove a violation or unsafe conditions, shall be liable to punishment as provided in Section 100.110 of the Code of Ordinances as defined in Section 108.4.

SECTION 109 MEANS OF APPEAL

Section 109.1 is amended to read as follows:

Section 109.1 Application for appeal. The owner of a building or structure or any other person may appeal from a decision of the Mechanical Official to the Board of Appeals provided for in the Building Code.

Application for appeal may be made when it is claimed that the true content of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of installation or construction can be used.

Sections 109.2 through 109.7 are deleted without substitution.

Section 303.6.1 is added to read as follows:

Section 303.6.1 Location. Mechanical equipment, air conditioning condensing units, pool pumps, geothermal borings and/or piping and other mechanical appliances and equipment located outdoors shall be a minimum of 5'-0" from any side or rear yard property line. Equipment shall be properly screened as required by the Architectural Review Board or the code official.

Section 405.1 is amended to read as follows:

405.1 Enclosed parking garages. Mechanical ventilation systems for enclosed parking garages shall be permitted to operate intermittently where the system is arranged to operate automatically upon detection of vehicle operation or the presence of occupants by approved automatic detection devices. The mechanical ventilation system shall have means to operate manually for a remote device. The location and installation shall be approved by the code official.

SECTION 805 FACTORY-BUILT CHIMNEYS

Section 805.6.1 is added to read as follows:

Section 805.6.1 Enclosure. Every factory-built chimney or vent installed on the exterior of a building shall be enclosed with brick or other architectural material compatible with the design of the exterior of the building or in a manner approved by the Architectural Review Board.

TESTS

Section 1011.3 is added to read as follows:

Section 1011.3 Periodic inspections. Periodic inspections of boilers and pressure vessels will be conducted by the State of Missouri, Department of Public Safety as provided for in Chapter 650 Revised Statutes of the State of Missouri 1986.

C. Part III. 2009 International Plumbing Code.

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Clayton, Missouri, hereinafter referred to as "this code".

Sections 101.5 is added to read as follows:

Section 101.5 Licenses required. No person who is not a licensed by St. Louis County Department of Public Works as a Master Plumber or a licensed Journeyman Plumber or a Registered Plumber or a Registered Plumber Apprentice working under the direction of a licensed Master Plumber shall engage in or perform the work of installing, altering or repairing facilities in a building for the supply and distribution of water for ordinary drinking, culinary and domestic purposes of facilities or for the removal there from of waterborne wastes. No person who is not a licensed by St. Louis County Department of Public Works as a Master or Journeyman Drainlayer shall engage in or perform the work of installing sanitary or storm sewer.

SECTION 106 PERMITS

Section 106.6.2 is amended to read as follows:

Section 106.6.2 The fees for all plumbing work shall be paid in accordance with the fee schedule as established by the City of Clayton, Missouri.

Section 106.6.3 Deleted without substitution.

SECTION 108 VIOLATIONS

Section 108.4 is amended to read as follows:

Section 108.4 Violation Penalties. Any person, firm, corporation, limited liability company or other business entity who shall violate any provision of this code, or any owner or tenant of the building or premises or any other person who commits, takes part or assist in any violation of this code or maintains any building, structure or premises in which such violation shall exist shall be guilty of an ordinance violation and subject to punishment by a fine not to exceed \$1000 or imprisonment for a period not to exceed 90 days or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. This provision shall not apply to any section of this code or to any ordinance in which there is expressly provided a penalty for its violation, or for any offense the penalty for the violation of which is fixed by statute.

Section 108.5 is amended to read as follows:

Section 108.5 Stop Work Order. Any person who shall continue any work in or about the building after having been served with a stop work order, except such work as is directed by the Code Official to remove a violation or unsafe condition, shall be liable to punishment as provided in Section 100.110 of the Code of Ordinances as defined in Section 108.4.

SECTION 109 MEANS OF APPEAL

Section 109.1 is amended to read as follows:

Section 109.1 Application for Appeal. The owner of a building or structure or any other person may appeal from a decision of the code official to the Board of Appeals provided for in the Building Code.

Application for appeal may be made when it is claimed that the true content of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of installation or construction can be used.

Sections 109.2 through 109.7 are deleted without substitution.

SECTION 305 PROTECTION OF PIPES

Section 305.6.1 Deleted without substitution.

SECTION 904 VENTS

Section 904.1 is amended to read as follows:

Section 904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any other purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

D. Part IV. 2009 International Residential Code.

Section R101.1 is amended to read as follows:

Section R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Clayton and shall be cited as such and will be referred to herein as "this code".

Section R102.2.1 is added to read as follows:

Section R102.2.1 Amendments to International Building Code. The following sections of the 2009 International Building Code, as amended by the City of Clayton, shall be considered part of this code: 504.4, 504.4.1, 2703.1, 3301.3, 3303.1.1 and 3306.0.

Section R105.2 is amended to read as follows:

Section R105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code, the zoning ordinance, or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the gross floor area does not exceed 50 square feet.

2. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge. All front yard retaining walls are required to be approved by the City's Architectural Review Board.
3. Sidewalks and driveways that are not within the public right-of-way and are not more than thirty (30) inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
4. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Prefabricated swimming pools that are less than 24" (610 mm) deep.
7. Swings and other playground equipment located in the rear yard and that are accessory to detached one- and two-family dwellings.
8. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.

Electrical:

1. *Repairs and maintenance.* A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

SECTION R112 MEANS OF APPEAL

Section R112.1 is amended to read as follows:

Section R112.1 Application for Appeal. The owner of a building or structure or any other person may appeal from a decision of the Code Official to the Board of Appeals provided for in the Building Code.

Application for appeal may be made when it is claimed that the true content of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of installation or construction can be used.

Sections R112.2 through R112.4 are deleted without substitution.

Section R113.4 is amended to read as follows:

Section R113.4 Violation penalties. Any person, firm, corporation, limited liability company or other business entity who shall violate any provision of this code, or any owner or tenant of the building or premises or any other person who commits, takes part or assist in any violation of this code or maintains any building, structure or premises in which such violation shall exist shall be guilty of an ordinance violation and subject to punishment by a fine not to exceed \$1000 or imprisonment for a period not to exceed 90 days or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. This provision shall not apply to any section of this code or to any ordinance in which there is expressly provided a penalty for its violation, or for any offense the penalty for the violation of which is fixed by statute.

Table R301.2(1) is amended to read as follows:

TABLE R301.2 (1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Design		Seismic Design Category f	Subject To Damage From			Winter Design Tempe	Ice Under- layment Required h	Barrier Flood Hazards g	Air Freezing Index i	Mean Annual Temp j
	Speed d	Topographical Effects k		Weathering ^a	Frost Depth b	Line Termites c					
20	90 MPH	NO	C	Severe	30"	Slight Moderate	to 2°F	Yes	Ch.420 of this Code	1500 Days	54°F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour=0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible", "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97½ percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM or other flood hazard map adopted by the community, as may be amended.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1 where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES". Otherwise, the jurisdiction shall fill in this part of the table with "NO".
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index--USD Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index--USD Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

Section R312.1.1 is added to read as follows:

Section R312.1.1 Retaining walls. Guards shall be provided where retaining walls with differences in grade level on either side of the wall in excess of 30 inches are located closer than 2 feet to a walk, path, parking lot or driveway on the high side of the retaining wall.

Section R313.2 is amended to read as follows:

R313.2 One- and two-family dwellings automatic fire systems. Effective January 1, 2012, an automatic residential fire sprinkler system shall be installed in new one- and two- family dwellings. Prior to January 1, 2012, any builder of single-family dwellings or residences or multifamily dwellings of four or fewer units shall offer to any purchaser the option to install or equip such dwellings or residences with a fire sprinkler system at the purchaser's cost in accord with the requirements of Section 67.281, RSMo. Supp 2009.

FENCES, WALLS AND SCREENS

Section R324 and Section R324.1 is added to read as follows:

Section R324 Fences, walls and screens. It shall be unlawful to erect any division, fence or screen, in whole or in part, of cloth, canvas or similar material, nor shall any solid division fence or screen of approved material exceeding six (6) feet be erected except a solid fence of up to eight (8) feet may be erected in a residential rear yard which is immediately adjacent to a commercial district; provided, however, a wooden or metal fence or screen not exceeding ten (10) feet in height may be erected in non-residential areas and eight (8) feet in residential areas if such fence or screen is penetrated with openings at regular intervals or latticed so that the combined area of the openings shall be at least fifty percent (50%) of the actual surface of such fence or screen. No division fence, fence wall or screen, no matter how built or of what material constructed, shall exceed ten (10) feet in height unless approved by the Architectural Review Board.

Section R324.1 Fences general. The finished side of fences shall face all neighboring properties including streets and alleys so as to prohibit the view of fence posts and support rails from adjoining properties, unless written approval from all effected property owners is submitted waiving this requirement.

RESIDENTIAL MECHANICAL

Section M1503.4 is amended to read as follows:

M1503.4 Makeup air required. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute shall be provided with makeup air at a rate approximately equal to the exhaust air rate. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

RESIDENTIAL PLUMBING

Section P2603.6.1 is deleted without substitution.

Section P3103.1 is amended to read as follows:

Section P3103.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any other purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

E. Part V. 2009 International Fuel Gas Code.

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Clayton, Missouri, hereinafter referred to as "this code".

Section 106.6.2 is amended to read as follows:

Section 106.6.2 Permit fees. The permit fees for the installation, extension, repair or alteration of heating and refrigeration equipment shall be in accordance with the fee schedule as established by the City of Clayton, Missouri.

SECTION 108 VIOLATIONS

Section 108.4 is amended to read as follows:

Section 108.4 Violation Penalties. Any person, firm, corporation, limited liability company or other business entity who shall violate any provision of this code, or any owner or tenant of the building or premises or any other person who commits, takes part or assist in any violation of this code or maintains any building, structure or premises in which such violation shall exist shall be guilty of an ordinance violation and subject to punishment by a fine not to exceed \$1000 or imprisonment for a period not to exceed 90 days or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. This provision shall not apply to any section of this code or to any ordinance in which there is expressly provided a penalty for its violation, or for any offense the penalty for the violation of which is fixed by statute.

Section 108.5 is amended to read as follows:

Section 108.5 Stop work order. Any person who shall continue any work in or about the building after having been served with a stop work order, except such work as is directed by the Code Official to remove a violation or unsafe conditions, shall be liable to punishment as provided in Section 100.110 of the Code of Ordinances as defined in Section 108.4.

F. Part VI. 2009 International Energy Conservation Code.

Section 101.1 is amended to read as follows:

Section 101.1 Title. This code shall be known as the International Energy Conservation Code of the City of Clayton, Missouri, and shall be cited as such. It is referred to herein as "this code".

Section 110.0 is added to read as follows:

Section 110.0 Violation penalties. Any person, firm, corporation, limited liability company or other business entity who shall violate any provision of this code, or any owner or tenant of the building or premises or any other person who commits, takes part or assist in any violation of this code or maintains any building, structure or premises in which such violation shall exist shall be guilty of an ordinance violation and subject to punishment by a fine not to exceed \$1000 or imprisonment for a period not to exceed 90 days or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. This provision shall not apply to any section of this code or to any ordinance in which there is expressly provided a penalty for its violation, or for any offense the penalty for the violation of which is fixed by statute.

SECTION 2. Article II, Section 500 of the Code of Ordinances of the City of Clayton is added to read: In accordance with Ordinance No. 5029 (sign regulation) passed January 11, 1994, as the same may be amended or revised by duly adopted ordinance.

SECTION 3. Penalty for Violation. The violation of any of the provisions of this Chapter, or any of the provisions of the Codes adopted by reference, or the failure to comply with any of the provisions of this Chapter or the Codes adopted by reference, or the failure to comply with any order or regulation made hereunder, or the building in violation of any detailed statement of specifications or plans submitted and approved hereunder or any certificate or permit issued hereunder, is hereby declared to be unlawful for each such act, violation or non-compliance and upon conviction shall be punishable as provided in Section 100.110 of the Code of Ordinances of the City of Clayton. The imposition of one penalty for any violation of this chapter or the codes adopted by reference shall not excuse any subsequent violation or permit said subsequent violation to continue.


SECTION 4. Saving clause. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any right acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 14th day of December, 2010.



Mayor

Attest:


City Clerk